

Filed for intro on 02/09/95
Senate Bill _____
By _____

House No. HB1027
By Halteman Harwel

AN ACT to add a new section to Tennessee Code Annotated, Title 39, Chapter 13, Part 5, to prohibit a psychologist or psychological examiner from engaging in sexual misconduct with a client.

WHEREAS, the legislature recognizes the special nature of the relationship between mental health professionals and their clients; and

WHEREAS, there exists a potential for abuse of that relationship and that abuse can have devastating effects on the client of a mental health professional; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section:

Section ____ (a) As used in this section, unless the context otherwise requires:

(1) "Client" means a person to whom the services of a psychologist or psychological examiner are provided.

(2) "Psychological examiner" means any person licensed pursuant to Tennessee Code Annotated, Title 63, Chapter 11, who engages in the practice of psychological examination as defined by § 63-11-202.

(3) "Psychologist" means any person licensed pursuant to Tennessee Code Annotated, Title 63, Chapter 11, who engages in the practice of psychology as defined by § 63-11-203.

(4) "Sexual misconduct" means sexual contact or sexual penetration as these terms are defined in § 39-13-501(6) and (7).

(5) "Therapeutic deception" means a representation to a client that sexual contact by the psychologist or psychological examiner is consistent with or part of the treatment of such client.

(b) It is an offense for a psychologist or psychological examiner to engage in sexual misconduct with a client, or with a former client if the professional relationship was terminated primarily for the purpose of engaging in sexual contact.

(c) It is not a defense to a violation of this section that the client or former client consented to any act of sexual misconduct.

(d)

(1) Violation of this section is a Class C felony.

(2) A second or subsequent violation of this section is a Class B felony.

(3) Violation of this section by means of therapeutic deception is a Class B felony.

SECTION 2. This act shall take effect July 1, 1995, the public welfare requiring it.

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